

MINUTES BOARD OF LICENSURE OF PODIATRIC MEDICINE

04/01/2004

1:00 PM

OLR Board Room

CHAIRMAN:

Dan DeSena, D.P.M., Acting Chair

MEMBERS PRESENT:

Jil Beaupain, D.P.M.
Roy Corbin, D.P.M.
Ron Stewart
Danforth DeSena, D.P.M.

MEMBERS ABSENT:

Shannon Meredith, D.P.M.

OTHERS PRESENT:

Diane Staples, Board Clerk; Penny Vaillancourt, Board Administrator; Dennis Smith, AAG; Anne L. Head, Director

CALL TO ORDER

Dan DeSena called the meeting to order at 1:22 p.m.

MINUTES

A motion was made by Ron Stewart and Dr. Corbin seconded by to approve the minutes from the December 4, 2003 meeting. Motion passed unanimously.

ADMINISTRATOR'S COMMENTARY

Penny Vaillancourt reported that Podiatrists can renew on line. This year CEUs are not due so they would mark N/A on their renewal application.

In an effort to obtain information regarding disciplinary matters against health care practitioners who seek licensure in the State of Maine, the department is requiring that applicants submit a report from HIPDA (Healthcare Integrity and Protection Data Bank) with their application materials for review. The target date is July 1, 2004.

COMPLAINT OFFICERS REPORT

There were no complaints presented. Two complaints will be presented at the July meeting. (Pod 028 and POD029)

CHAIRMAN'S REPORT

Nothing to report at this meeting.

CORRESPONDENCE

Medical Malpractice: The board received a Medical Malpractice Payment Report pursuant to 24 MRSA §2605. The Board reviewed the report and Ron Stewart moved and Jil Beaupain seconded to open a complaint to investigate this matter. Motion passed unanimously.

Dennis Smith provided the board with additional clarification regarding the board's processing of malpractice reports. He reported to the board that they could conduct an initial review/investigation of the records and then make a determination based on that review as to whether or not a complaint should be filed by the board. Mr. Smith explained to the board that the Board of Medicine does an Assessment and Determination of the report before they file a complaint.

Ron Stewart moved and Jil Beaupain seconded to withdraw the original motion. Jil Beaupain moved and Roy Corbin seconded to initiate an Assessment and Determination in regards to this matter. Motion passed unanimously.

Podiatry Assistants - The Board received an e-mail from Stormi Wentworth regarding the use of podiatry assistants and what functions she is permitted to perform to assist the podiatrist, in particular, with respect to trimming nails. Although the board indicated that this was a common practice in the podiatry office, Dennis Smith provided the board with legal guidance that the statute does not permit Podiatrists to delegate podiatric treatments such as trimming nails to anyone who is not licensed.

The board also received proposed rulemaking language by the Maine Foot and Ankle Association and requested the board to adopt by rulemaking the creation of a new licensing category for "podiatry medical assistant." The board discussed the issue with Anne Head and it received clarification regarding the distinction between the rulemaking process and the legislative process that would amend/change the board's statute. The Association's proposal would require a statutory change and is therefore subject to legislative process. Anne Head explained to the board that she will communicate with the commissioner's staff regarding this issue. The board will communicate to the Association that the board does not set policy and that their proposals would be directed to the Commissioner's Office for review and consideration.

Ron Stewart moved to respond to Ms. Wentworth that there is no provision in the statute that provides for anyone other than a podiatrist to trim toenails. Jil Beaupain seconded. Motion passed unanimously.

Jil Beaupain moved that we send a letter to the licensees regarding that there is no provision in the statute that provides for anyone other than a podiatrist to diagnose and treat maladies of the human foot and ankle by medical, surgical or mechanical means. Ron Stewart seconded. Motion passed unanimously.

Dispensing Medication – the board received an e-mail as to clarify whether a licensed podiatrist can dispense medication from their office. After a review and discussion of the board’s statute, the board concluded that a licensed podiatrist can dispense medications so long as it is only for the treatment of maladies of the foot and ankle. Penny will draft response and copy the board members.

ORAL EXAM

Matthew Pettingill: Dr. Corbin moved and Dr. Beaupain seconded to approve Matthew Pettingill for a Maine Podiatric license. Motion passed unanimously.

ADJOURNMENT

Ron Stewart moved and Jil Beaupain seconded to change the meeting date in July from July 8, 2004 to July 1, 2004. Motion passed unanimously.

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Dr. Corbin moved to adjourn the meeting. Mr. Steward seconded the motion. Motion passed unanimously.

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Respectfully submitted,
Diane Staples, Board Clerk